

REMARKS

Claims 1-9 are pending in the original application. As per the telephone conversation on 12/17/2003 with Examiner Tu Nguyen, Applicants reiterate arguments for Examiner's consideration.

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Soliman (U.S. Pub. 2002/0114288), hereinafter referred to as Soliman. In the current Amendment, Applicants respectfully traverse the rejections after giving a due consideration to the arguments for rejection presented in the Office Action.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Soliman.

In regards to claims 1-9, the Office Action contends that Soliman teaches each and every element of Applicants' claimed invention. Applicants respectfully disagree and provide the following explanation of why Soliman neither teaches nor recites the elements of the claimed invention.

Applicants' Claim 1 reads:

1. In a wireless communication system, a method for call recovery comprising:

transmitting a pilot strength measurement message at a first transmit power level;

waiting a predetermined time period; and

transmitting the pilot strength measurement message at a second transmit power level, wherein the second transmit power level is greater than the first transmit power level.

Applicants' Claim recites transmitting a **pilot strength measurement message**. As defined in the specification as originally filed in paragraph [1027], the **pilot strength measurement**

message is a message the mobile station transmits that contains measurement information for the pilots of one or more base stations. This does not read upon Soliman paragraph [0031] cited by the Examiner. Soliman paragraph [0031] recites the **measurement of the strength of a pilot** and potentially the measurement strength of another pilot at the mobile station. Soliman does not recite the transmission of a pilot strength measurement message from the mobile station to the base station, only the measurement of pilot strength.

The Examiner also cites Soliman [0041] as teaching the transmission of a **pilot strength measurement message**. However, Soliman [0041] recites the transmission of an **access probe** from the mobile station to the base station. The access probe is distinct from a pilot strength measurement message, because the **access probe does not provide pilot strength measurement information**.

In summary, Soliman does not teach the transmission of a pilot strength measurement message, nor does Soliman teach the retransmission of a pilot strength measurement message at increased power.

Similarly, Soliman neither teaches nor recites all elements of Applicants' independent Claims 1, 4, and 8 and nor thereby elements of the dependent Claims. Applicants respectfully assert that all Claims are allowable over the cited art. Applicants request withdrawal of the rejections and objections of the present Application for Patent.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending Claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 12/19/2003

By:  534411

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